

1 Allen Ruby, Esq. SB #47109
Steven A. Ellenberg, Esq., SB #151489
2 RUBY & SCHOFIELD
125 South Market Street, Suite 1001
3 San Jose, California 95113
Telephone: (408) 998-8500
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5 Attorneys for Plaintiff
SANTANA ROW HOTEL PARTNERS, L.P.
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9 **UNITED STATES DISTRICT COURT**
10 **NORTHERN DISTRICT OF CALIFORNIA**
11 **SAN JOSE DIVISION**

12 SANTANA ROW HOTEL PARTNERS,
L.P.,

13 Plaintiff,

14 v.

15 ZURICH AMERICAN INSURANCE
16 COMPANY GALLAGHER-PIPINO,
INC., and ARTHUR J. GALLAGHER
17 & CO., et al.,

18 Defendants.
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Case No. C05 00198 JW

**ORDER ON APPLICATION TO FILE
UNDER SEAL CERTAIN PORTIONS OF
MEMORANDUM OF POINTS AND
AUTHORITIES AND DECLARATION
OF STEVEN A. ELLENBERG IN
SUPPORT OF OPPOSITION TO
ZURICH'S MOTION FOR PARTIAL
SUMMARY JUDGMENT ON
PLAINTIFF'S THIRD, FIFTH AND
SIXTH CLAIMS FOR RELIEF AND
THAT NO DELAY COVERAGE EXISTS**

**Date: December 17, 2007
Time: 9:00 a.m.
Courtroom 8
Honorable James Ware**

22 Plaintiff has filed an application in accordance with the Section 10 of the Protective
23 Order in this case to file under seal certain portions of plaintiff's Memorandum of Points
24 and Authorities and the Declaration of Steven A. Ellenberg in support of its opposition to
25 Defendant Zurich's Motion for Partial Summary Judgment on Plaintiff's Third, Fifth and
26 Sixth Claims for Relief and that No Delay Coverage Exists. The Court has considered
27 plaintiff's application [and Zurich's papers filed in support thereof].
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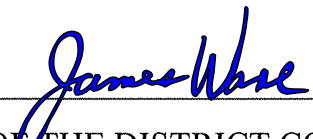
ORDER ON APPLICATION TO FILE UNDER SEAL PORTIONS OF MPAS AND DECLARATION OF STEVEN
A. ELLENBERG IN OPPOSITION TO ZURICH'S PARTIAL MSJ ON PLAINTIFF'S 3D, 5TH AND 6TH CLAIMS
AND DELAY COVERAGE

1 IT IS HEREBY ORDERED THAT:

2 The Application is granted. The unredacted Memorandum of Points and Authorities
3 in Support of Opposition and Declaration of Steven A. Ellenberg in Support of Opposition
4 previously lodged with the Court on November 26, 2007 are to be filed under seal and shall
5 not be available for public viewing unless otherwise ordered by the Court.

6 The redacted Memorandum of Points and Authorities in Support of Opposition and
7 Declaration of Steven A. Ellenberg in Support of Opposition previously lodged with the
8 Court on November 26, 2007 shall be filed with the Court and made available for public
9 viewing.

10 DATED: November 30, 2007

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13 JUDGE OF THE DISTRICT COURT

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A. ELLENBERG IN OPPOSITION TO ZURICH'S PARTIAL MSJ ON PLAINTIFF'S 3D, 5TH AND 6TH CLAIMS
AND DELAY COVERAGE